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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

\* \* \* \* \*

UNITED STATES OF AMERICA	*
	*
v.	* 08-cr-128-01-PB
	* November 19, 2009
	* 11:40 a.m.
KURT SANBORN	*
	*

\* \* \* \* \*

TRANSCRIPT OF SENTENCING HEARING  
BEFORE THE HONORABLE PAUL J. BARBADORO

Appearances:

For the Government:	Robert Kinsella, AUSA U.S. Attorney's Office 53 Pleasant Street Concord, NH 03301
For the Defendant:	Alan Baum, Esq. Law Offices of United Defense Group 4181 Sunswept Drive, Suite 100 Studio City, CA 91604
	Donald A. Kennedy, Esq. 78 W. Merrimack Street Manchester, 03101
Probation Officer:	Kevin Lavigne
Court Reporter:	Sandra L. Bailey, LCR, CM, CRR Official Court Reporter United States District Court 55 Pleasant Street Concord, NH 03301 (603)225-1454

1                               BEFORE THE COURT

2                       THE CLERK: Court's in session and has for  
3       consideration a sentencing hearing in United States of  
4       America versus Kurt Sanborn, Criminal Case Number  
5       08-cr-128-01-PB

6                       THE COURT: Mr. Sanborn, the report I have for  
7       you is dated January 9th. It was revised on  
8       November 12th. Have you seen that report?

9                       THE DEFENDANT: Yes, sir.

10                      THE COURT: Have you read it and discussed it  
11       with your attorney?

12                      THE DEFENDANT: Yes, sir.

13                      THE COURT: Do you feel you understand it?

14                      THE DEFENDANT: Yes, I do, sir.

15                      THE COURT: Does the government dispute any of  
16       the facts or legal conclusions contained in the report?

17                      MR. KINSELLA: We do not.

18                      THE COURT: Are you pressing any objections on  
19       behalf of your client?

20                      MR. BAUM: Good morning, your Honor. Alan  
21       Baum appearing on behalf of Mr. Sanborn along with Mr.  
22       Kennedy.

23                      We had lodged an objection to the first draft  
24       of the PSR wherein the probation officer assessed a  
25       two-point adjustment for role in the offense. The

1 revised report that the court is now referring to  
2 withdrew that adjustment but did explain in the addendum  
3 that they believed the two points for abuse of position  
4 of trust would be applicable, therefore I suppose the  
5 objection to role in the offense is moot, and after  
6 considering the application notes and the authority we  
7 would submit the issue and not object to the probation  
8 officer's conclusion on the two points for abuse of  
9 position of trust.

10 THE COURT: It's a classic case where that  
11 adjustment fits.

12 MR. BAUM: I agree, your Honor.

13 THE COURT: All right, so that's fine, then,  
14 so you don't object to the revised report.

15 I adopt the findings of fact and conclusions  
16 of law set forth in the report which will be made a part  
17 of the record under seal. I determine that the  
18 defendant's total offense level is 18, his Criminal  
19 History Category is I. The guideline sentencing range  
20 is 27 to 33 months.

21 What's the government's recommendation?

22 MR. KINSELLA: We're recommending 27 months.

23 THE COURT: All right. Counsel, I'll hear you  
24 on your request for a variance and any arguments you  
25 have for a sentence lower than the --

1 MR. BAUM: May I use the podium?

2 THE COURT: Yes.

3 MR. BAUM: And your Honor, I apologize for not  
4 having submitted this earlier this morning, but if I may  
5 ask the court to receive the -- a letter from Greg  
6 Sanborn who is the defendant's brother, it was just --  
7 it was received after I filed my sentencing memorandum.

8 THE COURT: All right, why don't you hand it  
9 up. I've read the other letters that have been  
10 submitted. Just give me a moment to read this one.

11 (Pause.)

12 THE COURT: All right, I've read the letter.  
13 Go ahead.

14 MR. BAUM: Thank you, your Honor. In the  
15 defendant's sentencing memorandum the defendant is  
16 asking for a variance whereby the court would impose a  
17 sentence, rather than a commitment to the Bureau of  
18 Prisons, fashion a sentence that would enable Mr.  
19 Sanborn to continue in the very positive and productive  
20 steps that he has been able to take in connection with  
21 his current employment. I know your Honor handles  
22 sentencings probably every day and for many years and  
23 nobody wants to go to prison --

24 THE COURT: I've sentenced a small city worth  
25 of people to prison over my 17 years as a judge.

1                   MR. BAUM: And in my 41 years as a defense  
2 lawyer, regretfully I've represented even more. But  
3 every so often the argument presented to the court that  
4 not putting him in prison would enable him to continue  
5 to pay his child support, continue to go to church,  
6 continue to be productive and mend some old fences with  
7 his family, continue to work and pay restitution, every  
8 so often those excuses or those explanations or  
9 arguments --

10                  THE COURT: Excuse me, has he made any  
11 restitution up to now?

12                  MR. BAUM: He has not because the  
13 employment -- his earnings have been growing in the job  
14 that he's now in, and it has taken him a very long time  
15 to pay the old debts that still exist in connection with  
16 orders that have been made --

17                  THE COURT: I'll tell you, actions speak  
18 louder than words. I have had defendants who, for  
19 example, have taken a second job and devoted the  
20 earnings to the second job solely to making restitution  
21 in advance of sentencing, and to the extent somebody has  
22 actually made a substantial contribution to reducing the  
23 restitution obligation in advance of sentencing, that's  
24 something that often impresses me because it's easy to  
25 say how sorry you are, it's a lot harder to go out and

1 do something about it. I'm not going to hold it against  
2 your client that he didn't do that, but I do think we  
3 have to take expressions of remorse into their  
4 appropriate context when we see a case like this. Your  
5 client made substantial money out of his crime and  
6 hasn't made any effort to pay it back.

7 MR. BAUM: I understand, your Honor. The  
8 circumstances that led to this crime and other  
9 self-destructive and inappropriate and illegal behavior  
10 were dealt with a little bit in Dr. Drogan's report. I  
11 think that Mr. Sanborn is beginning to recognize the  
12 factors that led him to make it seem as though  
13 everything was okay by stealing instead of living within  
14 his own means. The low self-esteem that leads a person  
15 to do that, to hide that from your family, again, are  
16 things that recent insight we believe is going to make a  
17 big difference in his future. He's growing with this  
18 company now. His employer just told him that --

19 THE COURT: Are you able to make any  
20 representations to me concerning where this money went,  
21 what it was used for?

22 MR. BAUM: Only generally speaking, and that  
23 was over a period of about 18 months. The family had  
24 acquired debt. We don't place blame, but as far as who  
25 it was that was charging and had like 12 credit cards

1 that needed to be serviced, it wasn't Mr. Sanborn, but  
2 again, I hesitate to point fingers --

3 THE COURT: Well, I, frankly, and maybe the  
4 probation officer has some updated information, the  
5 report I have reflects very limited information  
6 concerning the defendant's current financial status.  
7 Has he submitted a statement of his net worth and  
8 documentation to support that?

9 MR. LAVIGNE: We have no additional  
10 information, your Honor.

11 THE COURT: So you really can't tell me what  
12 he's got for bank accounts, what he's got for --

13 MR. LAVIGNE: Not at this time.

14 THE COURT: Yeah.

15 MR. BAUM: I can tell you this, your Honor.

16 THE COURT: Why didn't you give us that  
17 information which is routinely supplied by defendants?

18 MR. BAUM: It wouldn't shed any more light  
19 than --

20 THE COURT: You're saying sort of trust me,  
21 judge, trust the defendant. How do I know he doesn't  
22 have the money sitting in a bank account somewhere?

23 MR. BAUM: Well, there is a parallel -- well,  
24 not parallel -- but there's another action that's been  
25 going on for about two and a half years, and that's in

1 the family law courts in this county, and he has been  
2 held strictly accountable as to all of his income,  
3 payments are regulated, child support is all being done  
4 through a guardian that has been appointed, it's a  
5 rather contentious not divorce, that part is over with,  
6 but in the child custody, he has a 9-year-old and  
7 12-year-old.

8 THE COURT: As much sympathy as I have for his  
9 children and his ex-wife, they're not allowed to take  
10 money he stole from other people and use it for their  
11 support.

12 MR. BAUM: Well, that hasn't been the case in  
13 the last four years since this crime was --

14 THE COURT: I just don't know and have no way  
15 of verifying -- does the government have any, have you  
16 done an investigation to determine whether there are any  
17 proceeds to this criminal activity that still remain and  
18 are subject to being forfeited or acquired by the  
19 government in some way?

20 MR. KINSELLA: To our knowledge there is no  
21 criminal proceeds available for forfeiture or to be used  
22 to --

23 THE COURT: Do you have something -- is that  
24 the result of investigation because I don't have the  
25 financial information that I ordinarily have about a



1 defendant.

2 MR. KINSELLA: It's the result of our  
3 investigation of the crime and determining where he  
4 spent the money and --

5 THE COURT: Where do you say it went?

6 MR. KINSELLA: To pay personal expenses  
7 related to his family which were exorbitant.

8 THE COURT: You mean his former wife and  
9 children or his current family?

10 MR. KINSELLA: His family at the time which is  
11 his ex-wife.

12 THE COURT: So it was just debts that he and  
13 she had incurred and money was used to pay down those  
14 debts?

15 MR. KINSELLA: Yes.

16 THE COURT: And you believe that in fact that  
17 money was spent, that it is not available somewhere now  
18 to satisfy a restitution payment?

19 MR. KINSELLA: Yes.

20 THE COURT: And you believe that based on an  
21 investigation where you were able to track the source of  
22 funds through accounts?

23 MR. KINSELLA: We saw where the stolen money  
24 went to and how it was used, yes.

25 THE COURT: Okay. Well, that gives me some

1 reassurance that he just doesn't have a lump sum of  
2 money out there hidden from all of us. Okay. All  
3 right.

4 Thank you. Go ahead.

5 MR. BAUM: And I'm relieved because I was  
6 relying upon that as well, and I felt perhaps I let the  
7 court down --

8 THE COURT: I don't trust criminal defendants,  
9 you know, to the extent that I don't have verification  
10 about things like that, I don't trust them, and why  
11 should I?

12 MR. BAUM: No, I --

13 THE COURT: Ordinarily we are provided with  
14 financial records, and without the financial records I'm  
15 not going to trust the defendant, but I certainly trust  
16 the government that does a much more extensive  
17 investigation ordinarily than our probation office is  
18 capable of conducting, and the government represents to  
19 me it's tracked the proceeds of the criminal activity  
20 and determined it went into paying his and his ex-wife's  
21 and children's expenses and is no longer available to  
22 satisfy restitution, I accept that.

23 MR. BAUM: Thank you, your Honor. Just  
24 putting things in perspective chronologically, for a  
25 couple of years after he was charged in this case and

1   pled guilty, he found it very difficult to get any kind  
2   of meaningful employment. Lots of reasons for that  
3   which, again, would partially involve some finger  
4   pointing and I don't want to do that. But 18 months ago  
5   he was able to get this job with Geocomp, and since then  
6   he has built the company and has really established  
7   himself. His employer has indicated that he's willing  
8   to pay him more money if it makes a difference as far  
9   as -- that can be set aside for restitution. He told  
10   Kurt that he was going to give him a \$50,000 a year  
11   raise which could be earmarked especially for  
12   restitution.

13               Now, I know that's prospective and I know that  
14   the court has no power to bind Geocomp to do that or to  
15   order them to do that, but again, it's a representation  
16   and it's at least -- what we have shown is this recent  
17   employment which is very productive. He's in full  
18   compliance with his child support payments. His family  
19   is here. There has been some alienation over the years.  
20   Some repair has been done now and his parents are here  
21   and his sister and his brother in his support.

22               Like I said, and I know that a lot of  
23   financial crimes come before your Honor with an argument  
24   that, well, if you put him in prison, all payments stop,  
25   and that's just the way it goes. I mean, many judges

1 say, well, why didn't he think about that when he was  
2 committing these crimes --

3 THE COURT: Well, you can't allow people to  
4 buy their way out of prison either. The idea that if  
5 you can work and pay restitution you shouldn't have to  
6 be held to account for your crimes is not an idea that I  
7 think society is prepared to accept.

8 MR. BAUM: And that's why we walk a fine line  
9 in suggesting that in the overall consideration of all  
10 the 3553(a) factors, perhaps this case, which is not off  
11 the charts in the guidelines, it's not a radical  
12 departure or variance that would put Mr. Sanborn's  
13 sentencing in a context where he could get work release  
14 or home detention, courts are now imposing sentences as  
15 long as 12 or 18 months of home detention as opposed to  
16 the old guideline structure of Zone C type cases.

17 So, it's something for the court to weigh in  
18 the 3553(a) factors as far as the deterrence factor and  
19 what is a reasonable and appropriate sentence.

20 THE COURT: All right. Thank you.

21 MR. BAUM: Thank you, your Honor.

22 THE COURT: You have an opportunity to speak  
23 before I impose sentence. You don't have to say  
24 anything. I won't hold it against you if you don't.  
25 But if there is anything you want to say, I'll be happy

1 to hear it. Did you want to speak, sir?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: All right, go ahead.

4 THE DEFENDANT: Okay, I just briefly want to  
5 say I'm sorry to the court and most importantly to Mr.  
6 Weber and his family for what I've done. I've shamed  
7 myself, my family, and my children and I'm deeply sorry.

8 THE COURT: All right, thank you.

9 MR. KINSELLA: Judge, may I have one moment,  
10 please?

11 THE COURT: Yes.

12 (Pause.)

13 MR. KINSELLA: Judge, the owner of Diamond  
14 Action is here and would like to speak to the court.  
15 He's the victim of the crime.

16 THE COURT: All right. I do think under the  
17 current law the victims have a right to apprise the  
18 court of their views. So sir, I'll be happy to hear  
19 what you want to say. You can come up and speak here if  
20 you're comfortable, if you'd rather speak from there,  
21 that's okay. However you want to do it is fine with me.

22 MR. WEBER: I just want to say, your Honor,  
23 that Mr. Sanborn took three years of my life that I will  
24 never get back. It's far more than money. My wife was  
25 dying of cancer at the time and I trusted Mr. Sanborn

1     who was a good friend of mine I thought at the time and  
2     it was -- I didn't think I was going to make it. I  
3     didn't think I was going to get through it. And it was  
4     by far the worst time of my life. And this is an  
5     important day for me being here today. Thank you.

6             THE COURT: All right. Thank you for coming,  
7     and I really am so sorry about what you had to go  
8     through, particularly with your wife's illness at the  
9     time.

10            Financial crimes, particularly when they're  
11    committed by people with whom you have a trusting  
12    relationship, are particularly damaging, and because of  
13    the sense of betrayal that people feel in your position,  
14    it's hard to get over, it's hard to trust other people.  
15    I fully understand because I've heard it from so many  
16    other people over the years how seriously financial  
17    crimes can affect people, so I understand that, and I  
18    will take your concerns into account.

19            I also know from talking to many people that  
20    there really is no sentence that can adequately address  
21    the harm that has been done to you. As I suggested, I  
22    think if someone really had wanted to try to make amends  
23    to you, what I would have liked to have seen is someone  
24    who would stand up and do something about it, and maybe  
25    if he had personally apologized and taken a second job

1 and tried to pay you 40, \$50,000 back over the time  
2 between the time this was discovered and now, that might  
3 go some way to helping you come to terms with this,  
4 never to fully accept or to wipe out the harm that had  
5 been done to you, but it seems to me that would have  
6 been much more valuable than simply standing up and  
7 saying I'm sorry, judge, when you know you're about to  
8 be sentenced and you're hoping the judge will treat you  
9 as leniently as possible.

10 But I have to say to you, while I have to  
11 consider your concerns, I also have a broader set of  
12 concerns that I have to be considering. The harm done  
13 to you is one of them. The harm done to society by this  
14 defendant's actions have to be considered as well, as  
15 well as factors that concern this defendant. The law  
16 that I have to impose -- use when I impose sentence  
17 requires me to give a sentence that is equal to but not  
18 greater than necessary to achieve the purposes of the  
19 sentencing statute, and that's an important limiting  
20 principle. I simply can't impose sentences to -- that  
21 are extremely high to simply address the concerns of the  
22 victim. I have to consider all factors -- the harm that  
23 the defendant has done as well as what is the  
24 defendant's potential for rehabilitation, what are the  
25 effects of the defendant's sentence on other people,

1 family members, children. I have to consider society's  
2 interest in seeing that a sentence deters others from  
3 engaging in similar conduct. I have to try to take into  
4 account concerns, proportionality concerns so that like  
5 people are treated alike around the country, and that's  
6 why the sentencing guidelines here are particularly  
7 useful because they give me a template that tells me  
8 this is what the Sentencing Commission thinks for a  
9 typical case with this kind of loss in a crime committed  
10 this way is the appropriate range of sentences to  
11 consider, and to the extent I differ from that, I have  
12 to really be able to justify it because otherwise I am  
13 acting in a way that's disproportionate when compared  
14 with other kinds of people who commit crimes in front of  
15 other judges around the country.

16 So I appreciate what you have to say. I take  
17 it very seriously. I accept that this man has harmed  
18 your life very seriously, and I will take into account  
19 your concerns when I sentence the defendant.

20 All right, does anyone need to say anything  
21 else before I impose sentence?

22 MR. KINSELLA: No, thank you.

23 MR. BAUM: We would ask the court for certain  
24 recommendations after you've imposed sentence, your  
25 Honor.



1           THE COURT: All right, well, let me address  
2     the length of the sentence here.

3           Mr. Kinsella, I understand you bargained for a  
4     sentence at the bottom of the range. I think a sentence  
5     in the middle of the range here is appropriate. In my  
6     view there's no mitigating factor, there's no  
7     aggravating factor that's not taken into account by the  
8     guidelines here. This is the quintessentially typical  
9     case that the guidelines, in my view, correctly capture  
10    the appropriate sentence, and a sentence in the middle  
11    of the range is appropriate.

12           I have considered your psychological report,  
13    the arguments counsel have made, I considered the  
14    letters. I accept the fact that you have tried to be a  
15    good father, you tried to be a good husband, you have  
16    family members that care about you, you have done  
17    charitable works in the community, I accept all of that,  
18    but they don't excuse the seriousness of your conduct  
19    for which you have to be held to account. And I know  
20    this will harm your family, your children, they will be  
21    deprived of the support that you owe them, they will be  
22    deprived of whatever contact with your children you have  
23    while you're in prison, I know that it will harm them,  
24    but I cannot give you a lighter sentence simply because  
25    incarcerating you will harm others. I need to hold you

1 to account for the serious crime you committed. In this  
2 case, a sentence within the guideline range is in my  
3 view an appropriate sentence, so that's why I'm imposing  
4 the sentence that I'm imposing.

5 Now, what would you like me to include  
6 specifically with respect to recommendations?

7 MR. BAUM: Thank you, your Honor. We would  
8 ask the court to recommend that he be designated to Fort  
9 Devens, Massachusetts. He lives in Massachusetts.

10 THE COURT: I certainly have a strong interest  
11 in incarcerating him as close as possible to family  
12 members. It's not clear to me that the BOP will  
13 consider Devens an appropriate placement. I have no  
14 objection to him being incarcerated there, so I will  
15 include that as a recommendation, but it's up to the  
16 Bureau of Prisons ultimately where he should be  
17 incarcerated.

18 MR. BAUM: We understand that, your Honor.  
19 And finally we would ask that he be allowed to  
20 self-surrender after the holidays.

21 THE COURT: Let me ask counsel's view on that.  
22 Do you have reason to believe he poses a risk of flight  
23 or a risk of harm?

24 MR. KINSELLA: No.

25 THE COURT: All right. This isn't a case in

1    which self-surrender is ordinarily precluded, thus where  
2    there isn't a risk of flight or a risk of harm, self-  
3    surrender ordinarily is an appropriate thing in these  
4    circumstances. I normally give two to three weeks to  
5    allow for designation, but we're close enough to the  
6    Christmas holidays that it seems to me that it makes  
7    sense to allow self-surrender in early January. Does  
8    anybody object to that proposal?

9                   MR. KINSELLA: No, we do not object.

10                  THE COURT: All right, thank you. You can be  
11    seated. I'm going to read the sentence. It may take me  
12    a moment.

13                  Pursuant to the Sentencing Reform Act of 1984  
14    it is the judgment of the court that the defendant, Kurt  
15    Sanborn, is hereby committed to the custody of the  
16    Bureau of Prisons to be in prison for a term of  
17    30 months.

18                  Upon release from imprisonment the defendant  
19    shall be placed on supervised release for a term of  
20    three years.

21                  Within 72 hours of release from the custody of  
22    the Bureau of Prisons the defendant shall report in  
23    person to the probation office in the district to which  
24    the defendant is released.

25                  While on supervised release the defendant

1 shall not commit another federal, state or local crime,  
2 shall comply with the standard conditions that have been  
3 adopted by this court, and shall comply with the  
4 following additional conditions:

5           The defendant shall not illegally possess a  
6 controlled substance.

7           The defendant shall not possess a firearm,  
8 destructive device, or any other dangerous weapon.

9           The defendant shall submit to DNA collection.

10           The drug testing condition required by 18,  
11 USC, Section 3563(a)(5) is suspended based on the  
12 court's determination that the defendant poses a low  
13 risk of future substance abuse.

14           The defendant shall pay any financial penalty  
15 that is imposed by this judgment and that remains unpaid  
16 at the commencement of the term of supervised release.

17           The defendant shall provide the probation  
18 officer with access to any requested financial  
19 information.

20           The defendant shall apply all monies received  
21 from income tax refunds, lottery winnings, judgments  
22 and/or other anticipated or unexpected financial gains  
23 to the outstanding court ordered financial obligation.

24           The defendant shall not incur new credit  
25 charges or open additional lines of credit without the

1 approval of the probation officer unless he is in  
2 compliance with the installment payment schedule.

3 The defendant shall refrain from engaging in  
4 any occupation involving fiduciary responsibilities  
5 during the term of supervision.

6 It is further ordered that the defendant shall  
7 pay a special assessment of \$100.

8 It is further ordered that the defendant shall  
9 make restitution to the following persons in the  
10 following amounts. Diamond Action, Inc., \$293,960.79;  
11 HNTB Sports Assembly Architecture, \$9,450. Any payment  
12 that is not payment in full shall be divided  
13 proportionately among the persons names.

14 The court finds that the defendant does not  
15 have the ability to pay a fine. The court will waive  
16 the fine in this case. The court has determined that  
17 the defendant does not have the ability to pay interest  
18 and it is ordered that the interest requirement is  
19 waived for the restitution. The defendant is ordered to  
20 begin payments towards the total criminal monetary  
21 penalties immediately, and upon commencement of the term  
22 of supervised release the probation officer shall review  
23 the defendant's financial circumstances and recommend a  
24 payment schedule on any outstanding balance for approval  
25 by the court.

1           The defendant shall surrender himself to an  
2   institution designated by the Bureau of Prisons on or  
3   before 2 p.m. on January 8th.

4           The court recommends that the defendant be  
5   able to serve his sentence as close to family members in  
6   Massachusetts if possible, Fort Devens if it's an  
7   appropriate facility for his incarceration in the  
8   judgment of the Bureau of Prisons.

9           Are there any objections to the sentence other  
10  than those previously raised?

11           MR. BAUM: May I have just a moment, your  
12  Honor.

13           THE COURT: Yes.

14           (Attorney Baum consulting Attorney Kinsella.)

15           MR. BAUM: Not at this time, your Honor.  
16  There may be a joint motion filed concerning the  
17  numbers, the actual amount of restitution, but we're not  
18  prepared to deal with that now. We will accept the  
19  court's calculation --

20           THE COURT: Well, if there's going to be any  
21  modification to restitution I want the government to  
22  represent that it's consulted with the victim, and any  
23  position that the victim takes that's inconsistent with  
24  any position the government may take, that it's fully  
25  presented to the court.

1                   MR. KINSELLA: Of course, judge, and this is  
2 just brought to my attention this second. I'm really  
3 not in a position to do the math right now. I told him  
4 we will look at the matter, report to the victim and  
5 also to you as soon as possible.

6                   THE COURT: Yeah, you know my point, though.

7                   MR. KINSELLA: I do.

8                   THE COURT: They came here for sentencing and  
9 wanted to know what the sentence is going to be, and if  
10 there is going to be any change in the restitution  
11 portion of the sentence I want him to be consulted, I  
12 want his position to be presented to the court --

13                  MR. KINSELLA: Understood.

14                  THE COURT: -- before any change is made in  
15 the sentence.

16                  MR. KINSELLA: Understood.

17                  THE COURT: All right, anything else?

18                  MR. BAUM: No, your Honor.

19                  THE COURT: I will impose the sentence as I  
20 have read it. You may have a limited right to appeal.  
21 If you want to appeal, consult with your attorney and  
22 direct him to file a notice of appeal on your behalf.  
23 If you prefer, you can ask the clerk's office for help,  
24 but the notice of appeal does have to be filed within  
25 ten days or you lose your right to appeal.

1 Anything else?

2 MR. BAUM: No, your Honor.

3 MR. KINSELLA: Thank you, your Honor.

4 (Adjourned at 12:10 p.m.)

5 C E R T I F I C A T E

6

7 I, Sandra L. Bailey, do hereby certify that

8 the foregoing transcript is a true and accurate

9 transcription of the within proceedings, to the best of

10 my knowledge, skill, ability and belief.

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13 Submitted: 12/9/09 /s/ Sandra L. Bailey  
SANDRA L. BAILEY, LCR, CM, CRR

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